

application as filed and incorporates no new matter. Dependent claims 3 and 5 have been amended to depend from independent claim 8. Claims 1, 2, and 4 have been canceled without prejudice to their presentation in a continuing application.

The specification stands objected to based on a number of minor informalities. Each of the informalities has been addressed by amendment, and reconsideration and withdrawal of the objection to the specification are respectfully requested for this reason.

The drawings stand objected to as failing to comply with 37 C.F.R. 1.84(p)(4) because the reference character "220" had been used to designate both snap legs and frame. A proposed drawing correction is enclosed herewith for the Examiner's review and approval. Reconsideration and withdrawal of the drawing objection are respectfully requested.

The drawings stand objected to as failing to comply with 37 C.F.R. 1.84(p)(5) because they do not include the following reference numerals mentioned in the description: 30 on page 4, line 35; "200" on page 5, line 22, "216" on page 5, line 25, "110" on page 7, line 5 and "149" on page 8, line 17.

Proposed drawing corrections are enclosed herewith for the Examiner's review and approval. The suggested addition of reference numerals is provided in red on the drawing sheets (Sheets 1/8, 5/8, 6/8 and 7/8). Reconsideration and withdrawal of these further drawing objections are respectfully requested for this reason.

Claims 1-7 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 5,201,557 ("Schlack"). This rejection is respectfully traversed and reconsideration and withdrawal are respectfully requested.

The Examiner states that Schlack discloses a latch comprising a housing 16, a lever handle 50 rotatable between a first and a second position, a pawl 94 mounted for linear motion and actuated by a lever handle, a carriage 80 mounted for linear motion with the pawl, and connection means rotatably connecting the lever handle and the pawl (referencing Figs. 3-6).

Applicants respectfully submit that Schlack does not disclose a latch having each and every limitation claimed in claims 1-7, and that Schlack cannot and does not anticipate applicants' invention as there claimed for that reason. In particular, the pawl in Schlack is not mounted to travel between the open position along a first path and an intermediate position, and to travel in a second path in a direction substantially linear to the first path between the intermediate position and the closed position. (The Examiner expressly acknowledges this fact in the second rejection entered in this Action.) Instead, as can be seen in Figs. 3-6, Schlack's pawl travels in a single linear path only, and does not change direction at some intermediate position. Consequently, applicants respectfully request reconsideration and withdrawal of the rejection entered over Schlack with respect to the amended claims.

Applicant's presently claimed invention is also unobvious over Schlack. There was nothing in Schlack to suggest applicant's presently claimed invention at the time the invention was made to one of ordinary skill in the art. There is nothing in Schlack to motivate one of ordinary skill in the art to modify Schlack to realize the presently claimed invention.

Claims 2-7 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Schlack in view of U.S. Patent 4,858,970 ("Tedesco"). This rejection is also respectfully traversed, and reconsideration and withdrawal of the rejection are respectfully requested as applicable to the amended claims.

The Examiner notes that Schlack does not disclose a pawl mounted to travel between an open position along a first path and an intermediate position where the first path is linear and where the pawl is mounted to travel in a second path in a direction perpendicular to the first path between an intermediate position and a closed position.

The Examiner states that Tedesco teach a pawl 28 mounted to travel between an open position along a first path and an intermediate position where the first path is linear (referencing Fig. 7) and where the pawl is mounted to travel in a second path in the direction perpendicular

to the first path between an intermediate position and a closed position where the second path is linear (referencing Fig. 8).

The Examiner concludes that it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the latch of Schlack, with first and second pawl paths perpendicular to one another for pawl movement between open, intermediate, and closed positions as taught by Tedesco, in order to make the latch more secure by closing tighter.

The Examiner's conclusion is not correct. The cited art simply cannot be combined physically as suggested by the Examiner. If such a combination could be made, it would defeat the purposes and destroy the utility of Schlack's latching mechanism. The suggested combination is no more than an attempted reconstruction of applicants' invention improperly guided by the hindsight of applicants' own disclosure.

First, it should be noted that Schlack's slide fastener is not susceptible to the modification suggested by the Examiner for the purpose stated by the Examiner. What the Examiner has identified as a "pawl" 96 in Schlack is actually but one of a plurality of rotatable sleeves 96 mounted spaced rods 94 extending between the sides 84 of the slide assembly 80 (Col. 4, line 65 – col. 5, line 15; Figs. 3, 5, and 7). Each of the rotatable sleeves 96 is mounted for contacting a respective "s"-shaped slide keeper 98, having a first leg 97 thereof bolted to the frame 120 of the cabinet 100. The second legs 99 of the slide keeper 98 have camming surfaces formed thereon, such that as the slide fastener 10 is closed, the sleeves 96 of the second rods 94 are forced under the second legs 99, thereby compressing the gasket between the door and the frame. Thus, there are a plurality of camming surfaces for forcing each of the rotatable sleeves downward (at least as shown in Fig. 3) to compress the gasket. It is common sense that the gasket must be compressed at multiple points in order to secure the door. If

there were only one compression point, the gasket would likely be ineffective at some point remote from the compression point.

Tedesco discloses a mechanically complex latch intended for securing aircraft engine cowlings. There are five arms and four links connected by a dozen pivot points. What the Examiner has identified as a "pawl" is actually a hook 28 for engaging a rod-shaped keeper 12. In the complex motion imparted by operation of the latch, in order for the hook 28 to engage the keeper 12, it must first travel upward (counterclockwise in Fig. 8) in an arc around the mounting bushing 14 and then inward, from the position shown in Fig. 7 to the position shown in Fig. 8, while moving in the plane defined by the generally cylindrical mounting bushing 14 and the generally cylindrical keeper 12. Thus, the action of this latch is to pull mounting bushing and the keeper together.

One of ordinary skill in the art would recognize that Tedesco's latch would be useless for the Schlack's purpose.

Schlack needs to achieve compression in a direction perpendicular to that in which Tedesco's device is effective. Schlack's actuating lever 50 engages a first rod 92 and rotates around a closely proximate pin 62, the first rod 92, pin 62 and second rods 94 all being generally parallel to each other. However, the compression is not exerted between the second rods 94 and the first rod 92 or the second rods 94 and the pivot pin 62, but rather perpendicular to the linear motion of the slide, and at multiple points. Tedesco's device simply cannot be mounted to achieve this result.

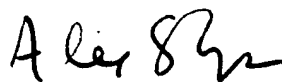
The combination suggested by the Examiner is either physically impossible, or would render Schlack slide fastener ineffective for its purpose. The combination of Schlack and Tedesco does not establish a *prima facie* case of obviousness.

Reconsideration and withdrawal of the rejection entered under 35 U.S.C. 103(a) over Schlack in view of Tedesco are respectfully requested for these reasons.

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As the application is now believed to be in condition for allowance, early favorable action and an early notice of allowance are respectfully requested.

Respectfully submitted,



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